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STATE FOR WHA/PPC, WHA/AND, AND G/TIP

E.O. 12958: N/A

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SUBJECT: GOE GAINS FIRST CONVICTION UNDER NEW TIP LAW

¶1. (U) Summary: Prosecutions against trafficking in persons (TIP) are starting to gain traction in Ecuador, with El Oro province prosecutors winning a maximum sentence and the first conviction under the new anti-TIP law passed in June of 2005.

Other big cases are proceeding to trial, and we expect to report on further successes in the near and medium term. We expect continued GOE commitment to combat TIP, regardless who wins the presidential runoff election. However, the role of the First Lady, who has been key to progress during the Palacio government, will vary depending on which candidate wins on November 26. End Summary.

Prosecutions Bearing Fruit

¶2. (U) In El Oro province, Ecuador gained its first conviction and sentencing under anti-TIP legislation passed last year. A judge sentenced Ricardo Javier Paredes Cevallos to 12 years in prison for the forced prostitution of two underage girls in Machala. In applying the maximum sentence, the judge noted that the girls were taken from Guayaquil and forced to work in a Machala brothel. The judge also noted that a minor's consent is irrelevant under Article 528-17 of the Criminal Code. The defendant was arrested in a raid by child welfare police ("DINAPEN") and the case was prosecuted by designated El Oro TIP Prosecutor Lucy Blasio.

¶3. (SBU) The "La Luna" case (named for an infamous nightclub), involving a sensational bust in Quito garnering substantial media attention, has been used as a model in much of the American Bar Association's anti-TIP training. The case was cleared for trial on October 25 after the arrests in January of five suspects charged with prostituting minors. (Note: Under Ecuadorian legal procedure clearing a case for trial is the last step in the pre-trial phase, and occurs only after the judge decides there is enough evidence for trial and resolves any other pre-trial issues. End Note.) The Quito TIP prosecutor, Thania Moreno, estimated to PolOff that the La Luna trial would start in December. The case involves 11 minors in forced prostitution moved from city to city against their will and with false documentation of their age. Moreno has received death threats related to this case and has been assigned two 24 hour under-cover agents. Since their rescue, victims have received psychological, medical and legal assistance, job skills training, education and family protection via the Public Ministry's Victim Witness and Protection Program.

¶4. (SBU) Another case, referred to as "Colegio Master" and involving a child pornography production bust, has also been cleared for trial. Moreno told PolOff she estimates this case will be tried in December. Four adult employees of a secondary school are charged with producing pornography involving many underage girls attending the school.

First Lady Support In Play

¶5. (SBU) Current First Lady Maria Paret de Palacio has been a strong leader of the GOE fight against TIP from her perch as director of the Ecuadorian National Institute for Children and Families ("INNFA"), the government agency charged with protecting adolescents and their families. That strong leadership is likely to continue should Alvaro Noboa be elected. His wife, Anabella Azin, the top vote-getter for Congress representing populous Guayas province, has already publicly confirmed she would accept the INNFA Directorship, which is traditionally offered to the First Lady. As a medical doctor, a popular member of Congress, and key advisor to her husband, Azin will likely become a powerful leader of the continuing fight against TIP.

¶6. (SBU) In contrast, Rafael Correa's wife, Anne Malherbe, has repeatedly rejected any formal role for herself under a Correa presidency, saying she wishes to stay completely out of politics and the public eye. We are uncertain of Correa's personal views on TIP, but have no reason to believe he will not see a mutual interest in ridding Ecuador of this scourge. Even if his foreign-born wife chooses not to play a public role on the issue, we expect the new INNFA leadership to take up the charge.

Comment

¶7. (SBU) Regardless who wins, we will continue to work with the GOE in the fight against TIP, and believe the GOE will respond in kind. The first conviction under the new TIP law reflects the societal consensus to make progress, and comes even as Ecuador's court system has been struggling to regain its footing after a period of prolonged institutional turmoil. This major step forward reflects ongoing GOE commitment to implement the new TIP law, empower specially-designated TIP prosecutors and police, conduct victim and witness protection programs and to welcome ABA-sponsored judicial training. Looking ahead in the near term, in addition to more successful prosecutions of existing cases, we are expecting a new anti-TIP phone hotline to lead to more arrests.

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